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PATENTS

Attorney Docket No. ODS-23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants/ : Masood Garahi et al.
Appellants

Application No. : 09/630,604 Confirmation No. : 8445

Filed : August 1, 2000

For : INTERACTIVE WAGERING SYSTEM WITH
WIRELESS WAGERING CAPABILITIES

Group Art Unit : 3713

Examiner : Aaron L. Enatsky

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P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF

Sir:

Applicants/Appellants are filing this Appeal Brief in support of their appeal from the final rejection of claims 1-86, 89-133, and 135-144 in the Office Action dated July 8, 2004. A Notice of Appeal for this case was filed on December 8, 2004.

The Director is hereby authorized to charge \$500.00 to Deposit Account No. 06-1075 (Order No. 003043-0023), in payment of the filing fee required under 37 C.F.R. § 41.20(b)(2).

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Applicants/Appellants paid for a four-month extension of time on June 6, 2005 when filing an Amendment Pursuant to 37 C.F.R. § 1.116. With the extension, the Appeal Brief is due on or before June 8, 2005.

The Director is hereby authorized to charge any additional fees that may be due in connection with this Appeal Brief, or credit any overpayment of the same, to Deposit Account No. 06-1075 (Order No. 003043-0023).

I. Introduction

In the Final Office Action dated July 8, 2004, the Examiner finally rejected claims 1-86 and 91-133 under 35 U.S.C. § 103(a) as being obvious from Brenner et al. U.S. Patent No. 6,004,211 (hereinafter "Brenner") in view of Lappington et al. U.S. Patent No. 5,734,413 (hereinafter "Lappington"). Claims 142-144 were finally rejected under 35 U.S.C. § 103(a) as being obvious from Brenner in view of Lappington. Claims 89, 90, and 134-141 were finally rejected under 35 U.S.C. § 103(a) as being obvious from Brenner in view of LaDue U.S. Patent No. 5,999,808 (hereinafter "LaDue").

In view of the arguments and authorities set forth below, the Board should find these rejections to be in error and should reverse the Examiner.

II. Appendices

This Brief has the following appendices:

Claims Appendix

Appendix A: Copy of claims 1-86, 89-133, and 135-144 involved in this appeal;

Evidence Appendices

Appendix B: Copy of the Final Office Action dated July 8, 2004;

Appendix C: Copy of Brenner et al. U.S. Patent No. 6,004,211;

Appendix D: Copy of Lappington et al. U.S. Patent No. 5,734,413; and

Appendix E: Copy of LaDue U.S. Patent No. 5,999,808.

III. Identification of Real Party in Interest

Applicants/Appellants respectfully advise the Board that the real party in interest in the above-identified patent application is ODS Properties, Inc., a corporation organized and existing under the laws of the State of Delaware, and having an office and place of business at 6701 Center Drive West, Los Angeles, CA 90045, which is the assignee of this application.

IV. Related Appeals and Interferences

Applicants/Appellants respectfully advise the Board that there are no other appeals or interferences known to applicants/appellants, their legal representative,

or their assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

V. Status of Claims

Claims 1-86, 89-133, and 135-144 are rejected in this application and are on appeal. Claims 87, 88, and 134 have been cancelled.

VI. Status of Amendments

Applicants/Appellants filed an amendment pursuant to 37 C.F.R. § 1.116 on June 6, 2005 to correct clerical errors in several dependent claims. This amendment has not yet been entered.

VII. Summary of Claimed Subject Matter

Applicants/Appellants' invention, as defined by independent claims 1, 44, and 91, is directed towards a method, system, and computer readable medium for submitting electronic wagers on races that are to be run to computer equipment over a communications network. At least one wireless portable computing device with a display is in two-way wireless communications with in-home user equipment (see, e.g., page 32, lines 9-21; page 33, lines 6 and 7; FIG. 2, reference numerals 146, 148, 44r). A user at the wireless portable computing device is provided with on-

screen options on the display of the wireless portable computing device that allow the user to create a wager (see, e.g., page 41, lines 13-21). The on-screen options are based, at least in part, on information received over a wireless communications path between the wireless portable computing device and the in-home user equipment (see, e.g., page 33, lines 12-27). The information is based, at least in part, on racing data received by the in-home user equipment from the communications network (see, e.g., page 13, lines 17-21; page 33, lines 12-16). The user is allowed to wirelessly transmit the wager from the wireless portable computing device to the in-home user equipment over the wireless communications path when it is desired to submit the wager for processing (see, e.g., page 41, line 30 to page 42, line 10; FIG. 9, reference numeral 154).

Applicants/Appellants' invention, as defined by independent claims 142-144, is directed towards a method, system, and computer readable medium for submitting electronic wagers on races that are to be run to computer equipment over a communications network. At least one wireless portable computing device with a display is in two-way wireless communications with a television set-top box (see, e.g., page 2, lines 17-19; page 32, lines 9-21; page 33, lines 6 and 7; FIG. 2, reference numerals 146,

148, 44r). A user at the wireless portable computing device is provided with on-screen options on the display of the wireless portable computing device that allow the user to create a wager (see, e.g., page 41, lines 13-21). The on-screen options are based, at least in part, on information received over a wireless communications path between the wireless portable computing device and the television set-top box (see, e.g., page 33, lines 12-27). The information is based, at least in part, on racing data received by the television set-top box from the communications network (see, e.g., page 13, lines 17-21; page 33, lines 12-16). The user is allowed to wirelessly transmit the wager from the wireless portable computing device to the television set-top box over the wireless communications path when it is desired to submit the wager for processing (see, e.g., page 41, line 30 to page 42, line 10; FIG. 9, reference numeral 154).

Applicants/Appellants' invention, as defined by claims 89, 90, and 135, is directed towards a method, system, and computer readable medium for wirelessly submitting electronic wagers to computer equipment. The user is allowed to create a wager with wireless user equipment (see, e.g., page 2, lines 24-26; page 31, lines 1-12; FIG. 2, reference numeral 144) and is allowed to

transmit that wager from the wireless user equipment to a communications network via communications equipment at a racetrack that communicates wirelessly with the wireless user equipment (see, e.g., page 29, lines 4-6 and 25-30; page 42, lines 10-14; FIG. 2, reference numeral 44s). The wager is received at the computer equipment for processing from communications equipment at the racetrack over the communications network (see, e.g., page 42, lines 14-17; FIG. 2, reference numeral 44t).

VIII. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejection are to be reviewed on this appeal:

(a) claims 1-86 and 91-133 stand rejected under 35 U.S.C. § 103(a) as being obvious from Brenner in view of Lappington;

(b) claims 142-144 stand rejected under 35 U.S.C. § 103(a) as being obvious from Brenner in view of Lappington; and

(c) claims 89, 90, and 134-141 stand rejected under 35 U.S.C. § 103(a) as being obvious from Brenner in view of LaDue.

IX. Argument

A. Rejection of Claims 1-86 and 91-133
Under 35 U.S.C. § 103(a)

In the Final Office Action dated July 8, 2004, the Examiner rejected claims 1-86 and 91-133 under 35 U.S.C. § 103(a) as being obvious from Brenner in view of Lappington. Applicants/Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

1. Brenner Teaches Away From A Combination of
Brenner and Lappington

Applicants/Appellants submit that Brenner teaches away from a combination of Brenner and Lappington. In particular, Brenner teaches away from the transfer of the wagering screens of Brenner onto wireless handheld device 32 of Lappington.

a. Handheld 32 of Lappington Does Not
Support Graphics

Brenner teaches in the Background of the Invention that one of the downsides to using prior wagering systems such as TinyTim and BetMate is that it is difficult "to display racing information in a way that may be easily viewed by the user" on these systems (Brenner, column 1, lines 55 and 56). Brenner, therefore, teaches providing an easy-to-read graphical user interface on, for example, a

television monitor, to allow users to create and place wagers on horse races (see Brenner, column 7, lines 21-26). For example, Brenner discusses displaying graphical objects, e.g., buttons, logo 176 (FIG. 8), cursor 192 (FIG. 8), runner icons 574 (FIG. 47), and map menu 446 (FIG. 35).

Handheld 32 of Lappington is only configured to display transactions as text (see Lappington, column 11, lines 25-32 and column 20, lines 11 and 12). Therefore, if the wagering screens of Brenner were to be implemented on handheld 32 of Lappington, then the wagering screens of Brenner would have to be displayed as text. As a result, none of the graphical objects displayed in the wagering screens of Brenner would be able to be displayed on handheld 32 of Lappington.

Accordingly, modifying Brenner by transferring the wagering screens of Brenner onto handheld 32 of Lappington in the form of text would take away from Brenner's easy-to-read graphical user interface. Because Brenner teaches using an easy-to-read graphical user interface and because modifying Brenner would take away from the easy-to-read graphical user interface, Brenner teaches away from transferring the wagering screens of Brenner onto handheld 32 of Lappington.

b. LCD Display 398 of Handheld 32 of
Lappington Is Too Small to Display the
Information in the Wagering Screens of
Brenner

Lappington describes LCD display 398 of handheld 32 of Lappington as "a 4-line by 16 character display" (Lappington, column 20, lines 11 and 12). This relatively small display would not be capable of displaying all of the information displayed in Brenner's wagering screens. For example, a text version of the wagering screen shown in FIG. 20 of Brenner would include at least eleven lines of text and the number of characters on each line would easily exceed the 16-character limit of LCD display 398.

Even if handheld 32 of Lappington could be modified to utilize, for example, scroll bars to display the wagering screens of Brenner, it would be cumbersome for users to operate the scroll bars to view information on the wagering screens. Accordingly, Brenner teaches away from transferring its wagering screens onto handheld 32 of Lappington because the display of handheld 32 of Lappington is not large enough to display the information on the wagering screens of Brenner.

For at least these reasons, applicants/appellants respectfully submit that the Board should reverse the

obviousness rejection of independent claims 1, 44, and 91 under 35 U.S.C. § 103(a).

2. The Examiner Failed To Provide A Proper Motivation For Transferring The Wagering Interfaces Of Brenner To Handheld 32 Of Lappington

Furthermore, the Examiner has failed to provide a proper motivation for combining Brenner and Lappington to justify the assertion of a § 103 rejection. See In re Rouffet, 149 F.3d 1350, 1355 (Fed. Cir. 1998) ("When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references"); see also MPEP § 2142 and 2143.01. It is well-settled that an Examiner can "satisfy this burden only by showing some objective teaching ... that would lead [one of ordinary skill in the art] to combine the relevant teachings of the references." In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988).

a. The Examiner Does Not Provide Any Objective Evidence of Motivation for Providing Racing Videos and Informational/Wager Choices on Separate Displays

The Examiner states that "it would have been obvious to one skilled in the art at the time to display informational/wager choices on the PDA to allow the race to be displayed on a separate display continuously" (July 8,

2004 Final Office Action, lines 8-10).

Applicants/Appellants respectfully submit that this statement does not provide the proper motivation to one skilled in the art to attempt to display the wagering screens of Brenner on handheld 32 of Lappington.

Applicants/Appellants submit that Brenner already discusses displaying informational/wager choices and racing videos continuously (see, e.g., Brenner FIGS. 36-44, 46, and 48-50). Therefore, applicants/appellants assume that the Examiner believes there is motivation to provide informational/wager choices and racing videos on separate displays. However, the Examiner has not provided any such motivation. In fact, Brenner teaches displaying informational/wager choices and racing videos on the same screen - not separately (see, e.g., Brenner, FIGS. 36-50). Accordingly, the Examiner has failed to provide objective evidence of motivation for providing racing videos and informational/wager choices on separate displays.

b. "View[ing] Multiple Concurrent Events Without Losing Scores" Is Not a Proper Motivation to Transfer the Wagering Screens of Brenner on Handheld 32 of Lappington

The Examiner also contends that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brenner et al. to use

the wireless handheld taught by Lapp for the ... reasons taught by Lapp such as [to] view multiple concurrent events without losing scores" (July 8, 2004 Final Office Action, page 3, lines 10-13).

Applicants/Appellants submit that it is not possible to apply the teaching of Lappington of "view[ing] multiple concurrent events without losing scores" to Brenner. In particular, there is no analogous "score" to be kept in Brenner. Thus, the purpose of Lappington to "view multiple concurrent events without losing scores," as set forth by the Examiner, has no relevance to Brenner. However, if one skilled in the art was forced to try to apply this teaching of Lappington to Brenner, it appears as though there would be more than one way to attempt to apply this teaching of Lappington to the wager creation process of Brenner.

One way to attempt to apply the teaching of Lappington to the wager creation process of Brenner is to liken the questions in Lappington to the wagers in Brenner. For example, answering a trivia question in Lappington may be analogized to creating a wager on a horse race in Brenner. In Lappington, although users may participate in many different interactive programs without losing scores, users are limited to answering one question at a time for a

given interactive program. Similarly, in Brenner, users may place wagers for many different horse races, however users are also limited to creating one wager at a time. A "score" may be considered to be kept in Brenner in that a user's account balance is adjusted based on the outcome of wagers (see Brenner, column 7, lines 35-54). Accordingly, in this attempted application of the teaching of Lappington to Brenner, Brenner already provides the functionality of "view[ing] concurrent events without losing scores" as Lappington. Therefore, there is no motivation to modify Brenner based on this teaching because Brenner already provides this functionality.

Another way to attempt to apply the teaching of Lappington to the wagering process of Brenner is to liken a series of questions for a television program in Lappington to a series of wager selections in Brenner. In Lappington, users may switch between television channels to participate in different interactive programs on handheld 32. In particular, Lappington states "where a viewer returns to a program that was previously watched, the interactive game continues, leaving out only the part [of the interactive game] that was missed" (column 4, lines 1-3). Thus, in Lappington, when a viewer changes channels to watch another program, the viewer misses certain trivia questions,

although a total score is maintained by the handheld device. Attempting to apply this teaching of Lappington to the wager creation process of Brenner would result in skipping certain steps in the wager creation process (e.g., selecting a track, selecting a horse, etc.), thereby rendering the wager creation process incomplete.

Accordingly, applying the teaching of Lappington of "view[ing] concurrent events without losing scores" to the wager creation process of Brenner would result in creating incomplete wagers in Brenner. Therefore, this teaches away from such a modification of Brenner.

Therefore, as stated above, it is not possible to apply the teaching of Lappington of "view[ing] concurrent events without losing scores" to Brenner because this teaching has no relevance to Brenner. Furthermore, even if one skilled in the art were to attempt to apply this teaching of Lappington to Brenner by likening the questions of Lappington to the wagers in Brenner, there is no motivation to modify Brenner based on this teaching because Brenner already provides this functionality. Furthermore, even if one skilled in the art were to attempt to apply this teaching of Lappington to Brenner by likening a series of questions for a television program in Lappington to a series of wager selections in Brenner, Brenner teaches away

from applying this teaching because it would result in creating incomplete wagers.

c. The Examiner's Motivation Would Not
 Lead One to Transfer the Wagering
 Screens of Brenner on Handheld 32 of
 Lappington

Applicants/Appellants respectfully submit even if "view[ing] concurrent events without losing scores" is a proper motivation, it would not lead one skilled in the art to provide the wagering interfaces of Brenner on handheld 32 of Lappington. To modify Brenner to allow users to view multiple concurrent events without losing scores, it would be reasonable to expect one of skill in the art to modify the software of Brenner that provides the wagering interfaces. It would not be reasonable to expect one of skill in the art to first modify Brenner by putting the wagering interfaces on a separate device (e.g., handheld 32 of Lappington), and then modify the software to allow users to view multiple concurrent events without losing scores.

For at least these reasons, applicants/appellants respectfully submit that the Board should reverse the obviousness rejection of independent claims 1, 44, and 91 under 35 U.S.C. § 103(a).

B. Rejection of Claims 142-144
 Under 35 U.S.C. § 103(a)

 In the Final Office Action dated July 8, 2004, the Examiner rejected claims 142-144 under 35 U.S.C. § 103(a) as being obvious from Brenner in view of Lappington. Applicants/Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

 Applicants/Appellants' independent claims 142-144 include features that are similar to the features claimed in independent claims 1, 44, and 91. Accordingly, applicants/appellants submit that claims 142-144 are allowable over Brenner in view of Lappington for at least the reasons provided hereinabove in Section IX-A with respect to claims 1, 44, and 91.

 For at least this reason, applicants/appellants respectfully submit that the Board should reverse the obviousness rejection of independent claims 142-144 under 35 U.S.C. § 103(a).

C. Rejection of Claims 89, 90, and 134-141
 Under 35 U.S.C. § 103(a)

 In the Final Office Action dated July 8, 2004, the Examiner rejected claims 89, 90, and 134-141 under 35 U.S.C. § 103(a) as being obvious from Brenner in view of LaDue. Applicants/Appellants respectfully traverse this

rejection and request that it be overturned for at least the reasons set forth below.

Applicants/Appellants submit that the combination of Brenner and LaDue fails to show or suggest "allowing the user to transmit the wager from the wireless user equipment to a communications network via communications equipment at a racetrack that communicates wirelessly with the wireless user equipment" (emphasis added), as required by independent claims 89, 90, and 135. In particular, neither Brenner nor LaDue discusses communications equipment located at a racetrack for communicating wirelessly with wireless user equipment.

In Brenner, a user may place a wager on a race using user terminal 122 or 370, which is then transmitted to network 128 or 392 (see Brenner, FIGS. 1 and 29). Brenner does not specifically state that user terminal 122 or 370 wirelessly transmits wagers to network 128 or 392. Furthermore, Brenner also does not specifically state that network 128 or 392 is located at a racetrack.

LaDue teaches providing wireless gaming on cellular and paging networks "without having to modify existing network cellular and paging network infrastructures" (LaDue, column 2, lines 26-29). A user may wirelessly transmit a wager from a gaming terminal 100

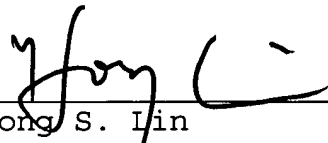
to a base site 101 that is part of a cellular or paging network (see LaDue, FIG. 1B; column 7, lines 34-39). However, LaDue does not specify that any of base sites 101 are located at a racetrack. Furthermore, even if a base site 101 could be added to a racetrack, LaDue teaches away from modifying the existing cellular or paging network infrastructure to enable wireless gaming and therefore teaches away from such an addition.

For at least these reasons, applicants/appellants respectfully submit that the Board should reverse the obviousness rejection of independent claims 89, 90, and 135 under 35 U.S.C. § 103(a).

X. Conclusion

For the reasons set forth above,
applicants/appellants respectfully submit that claims 1-86,
89-133, and 135-144 are in condition for allowance. The
Examiner's rejections of these claims should be reversed.

Respectfully submitted,



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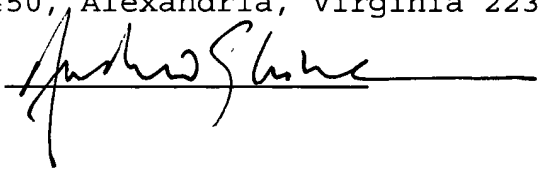
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CLAIMS APPENDIX A
CLAIMS ON APPEAL

1. A method for submitting electronic wagers on races that are to be run to computer equipment over a communications network using an interactive wagering application that is implemented using in-home user equipment and at least one wireless portable computing device with a display that is in two-way wireless communications with the in-home user equipment, comprising:

providing a user at the wireless portable computing device with on-screen options on the display of the wireless portable computing device that allow the user to create a wager for a given race to be run, wherein the on-screen options are based at least in part on information received over a wireless communications path between the wireless portable computing device and the in-home user equipment, and wherein the information is based at least in part on racing data received by the in-home user equipment from the communications network; and

allowing the user to wirelessly transmit the wager from the wireless portable computing device to the in-home user equipment over the wireless communications path when it is desired to submit the wager for processing; and

transmitting the wager from the in-home user equipment to the computer equipment over the communications network for processing.

2. The method defined in claim 1 wherein the race is a horse race, the method further comprising allowing the user to use the wireless portable computing device to select a horse for the wager.

3. The method defined in claim 1 further comprising providing the user with an opportunity to use the wireless portable computing device to select a racetrack for the wager.

4. The method defined in claim 1 further comprising providing the user with an opportunity to use the wireless portable computing device to select a race for the wager.

5. The method defined in claim 1 further comprising providing the user with an opportunity to use the wireless portable computing device to select a wager type for the wager.

6. The method defined in claim 1 further comprising providing the user with an opportunity to use

the wireless portable computing device to select a wager amount for the wager.

7. The method defined in claim 1, wherein the computer equipment is part of a transaction processing and subscription management system, the method further comprising processing the wager with the transaction processing and subscription management system once the wager has been placed.

8. The method defined in claim 1, wherein the race is a horse race and wherein an account is maintained for the user at a transaction processing and subscription management system, the method further comprising processing the wager once the wager has been placed and crediting the account when the wager is successful.

9. The method defined in claim 1, wherein the in-home user equipment includes user television equipment.

10. The method defined in claim 1, wherein the in-home user equipment includes a set-top box and wherein transmitting the wager from the in-home user equipment to the computer equipment over the communications network for processing comprises transmitting the wager from the set-

top box to the computer equipment over the communications network for processing.

11. The method defined in claim 1, wherein the in-home user equipment includes user computer equipment.

12. The method defined in claim 1, wherein the in-home user equipment includes a personal computer and wherein transmitting the wager from the in-home user equipment to the computer equipment over the communications network for processing comprises transmitting the wager from the personal computer to the computer equipment over the communications network for processing.

13. The method defined in claim 1, wherein the wireless portable computing device is a handheld computer, the method further comprising using the handheld computer to wirelessly receive handicapping information from the in-home user equipment.

14. The method defined in claim 1, wherein the wireless portable computing device is a handheld computer and the in-home user equipment is a set-top box, the method further comprising using the handheld computer to wirelessly receive handicapping information from the set-top box.

15. The method defined in claim 1, wherein the wireless portable computing device is a handheld computer and the in-home computing device is a personal computer, the method further comprising using the handheld computer to wirelessly receive handicapping information from the personal computer.

16. The method defined in claim 1, wherein the wireless portable computing device is a handheld computer, the method further comprising using the handheld computer to wirelessly receive race results from the in-home user equipment.

17. The method defined in claim 1, wherein the wireless portable computing device is a handheld computer and the in-home user equipment is a set-top box, the method further comprising using the handheld computer to wirelessly receive race results from the set-top box.

18. The method defined in claim 1, wherein the wireless portable computing device is a handheld computer and the in-home computing device is a personal computer, the method further comprising using the handheld computer to wirelessly receive race results from the personal computer.

19. The method defined in claim 1, wherein the wireless portable computing device is an electronic book, the method further comprising using the electronic book to wirelessly receive handicapping information from the in-home user equipment.

20. The method defined in claim 1, wherein the wireless portable computing device is an electronic book and the in-home user equipment is a set-top box, the method further comprising using the electronic book to wirelessly receive handicapping information from the set-top box.

21. The method defined in claim 1, wherein the wireless portable computing device is an electronic book and the in-home computing device is a personal computer, the method further comprising using the electronic book to wirelessly receive handicapping information from the personal computer.

22. The method defined in claim 1, wherein the wireless portable computing device is an electronic book, the method further comprising using the electronic book to wirelessly receive racing results from the in-home user equipment.

23. The method defined in claim 1, wherein the wireless portable computing device is an electronic book and the in-home user equipment is a set-top box, the method further comprising using the electronic book to wirelessly receive racing results from the set-top box.

24. The method defined in claim 1, wherein the wireless portable computing device is an electronic book and the in-home computing device is a personal computer, the method further comprising using the electronic book to wirelessly receive racing results from the personal computer.

25. The method defined in claim 1, wherein the wireless portable computing device is a web tablet, the method further comprising using the web tablet to wirelessly receive handicapping information from the in-home user equipment.

26. The method defined in claim 1, wherein the wireless portable computing device is a web tablet and the in-home user equipment is a set-top box, the method further comprising using the web tablet to wirelessly receive handicapping information from the set-top box.

27. The method defined in claim 1, wherein the wireless portable computing device is a web tablet and the in-home computing device is a personal computer, the method further comprising using the web tablet to wirelessly receive handicapping information from the personal computer.

28. The method defined in claim 1, wherein the wireless portable computing device is a web tablet, the method further comprising using the web tablet to wirelessly receive racing results from the in-home user equipment.

29. The method defined in claim 1, wherein the wireless portable computing device is a web tablet and the in-home user equipment is a set-top box, the method further comprising using the web tablet to wirelessly receive racing results from the set-top box.

30. The method defined in claim 1, wherein the wireless portable computing device is a web tablet and the in-home computing device is a personal computer, the method further comprising using the web tablet to wirelessly receive racing results from the personal computer.

31. The method defined in claim 1 further comprising allowing multiple users to access the interactive wagering application using a plurality of the wireless portable computing devices.

32. The method defined in claim 1, wherein the in-home user equipment communicates wirelessly with a plurality of wireless portable computing devices, the method comprising allowing multiple users at the plurality of wireless portable computing devices to each use a respective one of the plurality of wireless portable computing devices to place an independent wager through the in-home user equipment.

33. The method defined in claim 1, wherein the in-home user equipment is a set-top box that communicates wirelessly with a plurality of wireless portable computing devices, the method comprising allowing multiple users at the plurality of wireless portable computing devices to each place an independent wager through the set-top box.

34. The method defined in claim 1, wherein the in-home user equipment is a personal computer that communicates wirelessly with a plurality of wireless portable computing devices, the method comprising allowing multiple users at the plurality of wireless portable

computing devices to each place an independent wager through the personal computer.

35. The method defined in claim 1, wherein the in-home user equipment communicates wirelessly with a plurality of handheld computers, the method comprising allowing multiple users at the plurality of handheld computers to each place an independent wager through the in-home user equipment.

36. The method defined in claim 1, wherein the in-home user equipment is a set-top box that communicates wirelessly with a plurality of handheld computers, the method comprising allowing multiple users at the handheld computers to each place an independent wager through the set-top box.

37. The method defined in claim 1, wherein the in-home user equipment is a personal computer that communicates wirelessly with a plurality of handheld computers, the method comprising allowing multiple users at the plurality of handheld computers to each place an independent wager through the personal computer.

38. The method defined in claim 1, wherein the in-home user equipment communicates wirelessly with a

plurality of web tablets, the method comprising allowing multiple users at the plurality of web tablets to each place an independent wager through the in-home user equipment.

39. The method defined in claim 1, wherein the in-home user equipment is a set-top box that communicates wirelessly with a plurality of web tablets, the method comprising allowing multiple users at the plurality of web tablets to each place an independent wager through the set-top box.

40. The method defined in claim 1, wherein the in-home user equipment is a personal computer that communicates wirelessly with a plurality of web tablets, the method comprising allowing multiple users at the plurality of web tablets to each place an independent wager through the personal computer.

41. The method defined in claim 1, wherein the in-home user equipment communicates wirelessly with a plurality of electronic books, the method comprising allowing multiple users at the plurality of electronic books to each place an independent wager through the in-home user equipment.

42. The method defined in claim 1, wherein the in-home user equipment is a set-top box that communicates wirelessly with a plurality of electronic books, the method comprising allowing multiple users at the plurality of electronic books to each place an independent wager through the set-top box.

43. The method defined in claim 1, wherein the in-home user equipment is a personal computer that communicates wirelessly with a plurality of electronic books, the method comprising allowing multiple users at the plurality of electronic books to each place an independent wager through the personal computer.

44. An interactive wagering system that provides a user with an opportunity to submit electronic wagers on races that are to be run to computer equipment over a communications network using an interactive wagering application, comprising:

in-home user equipment; and

at least one wireless portable computing device with a display that is in two-way wireless communication with the in-home user equipment, wherein the in-home user equipment and the wireless portable computing device are configured to:

provide the user with on-screen options on the display of the wireless portable computing device that allow the user to create a wager for a given race to be run, wherein the on-screen options are based at least in part on information received over a wireless communications path between the wireless portable computing device and the in-home user equipment, and wherein the information is based at least in part on racing data received by the in-home user equipment from the communications network; and

allow the user to wirelessly transmit the wager from the wireless portable computing device to the in-home user equipment over the wireless communications path when it is desired to submit the wager for processing; and

transmit the wager from the in-home user equipment to the computer equipment over the communications network for processing.

45. The system defined in claim 44 wherein the race is a horse race and wherein the in-home user equipment and the wireless portable computing device are further configured to allow the user to use the wireless portable computing device to select a horse for the wager.

46. The system defined in claim 44 wherein the in-home user equipment and the wireless portable computing device are further configured to provide the user with an opportunity to use the wireless portable computing device to select a racetrack for the wager.

47. The system defined in claim 44 wherein the in-home user equipment and the wireless portable computing device are further configured to provide the user with an opportunity to use the wireless portable computing device to select a race for the wager.

48. The system defined in claim 44 wherein the in-home user equipment and the wireless portable computing device are further configured to provide the user with an opportunity to use the wireless portable computing device to select a wager type for the wager.

49. The system defined in claim 44 wherein the in-home user equipment and the wireless portable computing device are further configured to provide the user with an opportunity to use the wireless portable computing device to select a wager amount for the wager.

50. The system defined in claim 44 wherein the computer equipment is part of a transaction processing and

subscription management system and wherein the transaction processing and subscription management system is configured to process the wager once the wager has been placed.

51. The system defined in claim 44, wherein the race is a horse race and wherein an account is maintained for the user at a transaction processing and subscription management system and wherein the transaction processing and subscription management system is configured to process the wager once the wager has been placed and is configured to credit the account when the wager is successful.

52. The system defined in claim 44 wherein the in-home user equipment includes user television equipment.

53. The system defined in claim 44 wherein the in-home user equipment includes a set-top box configured to transmit the wager to the computer equipment over the communications network for processing.

54. The system defined in claim 44, wherein the in-home user equipment includes user computer equipment.

55. The system defined in claim 44, wherein the in-home user equipment includes a personal computer that is configured to transmit the wager to the computer equipment over the communications network for processing.

56. The system defined in claim 44, wherein the wireless portable computing device is a handheld computer configured to wirelessly receive handicapping information from the in-home user equipment.

57. The system defined in claim 44, wherein the in-home user equipment is a set-top box and the wireless portable computing device is a handheld computer configured to wirelessly receive handicapping information from the set-top box.

58. The system defined in claim 44, wherein the in-home user equipment is a personal computer and the wireless portable computing device is a handheld computer configured to wirelessly receive handicapping information from the personal computer.

59. The system defined in claim 44, wherein the wireless portable computing device is a handheld computer configured to wirelessly receive race results from the in-home user equipment.

60. The system defined in claim 44, wherein the in-home user equipment is a set-top box and the wireless portable computing device is a handheld computer configured to wirelessly receive race results from the set-top box.

61. The system defined in claim 44, wherein the in-home user equipment is a personal computer and the wireless portable computing device is a handheld computer configured to wirelessly receive race results from the personal computer.

62. The system defined in claim 44, wherein the wireless portable computing device is an electronic book configured to wirelessly receive handicapping information from the in-home user equipment.

63. The system defined in claim 44, wherein the in-home user equipment is a set-top box and the wireless portable computing device is an electronic book configured to wirelessly receive handicapping information from the set-top box.

64. The system defined in claim 44, wherein the in-home user equipment is a personal computer and the wireless portable computing device is an electronic book configured to wirelessly receive handicapping information from the personal computer.

65. The system defined in claim 44, wherein the wireless portable computing device is an electronic book

configured to wirelessly receive racing results from the in-home user equipment.

66. The system defined in claim 44, wherein the in-home user equipment is a set-top box and the wireless portable computing device is an electronic book configured to wirelessly receive racing results from the set-top box.

67. The system defined in claim 44, wherein the in-home user equipment is a personal computer and the wireless portable computing device is an electronic book configured to wirelessly receive racing results from the personal computer.

68. The system defined in claim 44, wherein the wireless portable computing device is a web tablet configured to wirelessly receive handicapping information from the in-home user equipment.

69. The system defined in claim 44, wherein the in-home user equipment is a set-top box and the wireless portable computing device is a web tablet configured to wirelessly receive handicapping information from the set-top box.

70. The system defined in claim 44, wherein the in-home user equipment is a personal computer and the

wireless portable computing device is a web tablet configured to wirelessly receive handicapping information from the personal computer.

71. The system defined in claim 44, wherein the wireless portable computing device is a web tablet configured to receive racing results from the in-home user equipment.

72. The system defined in claim 44, wherein the in-home equipment is a set-top box and the wireless portable computing device is a web tablet configured to wirelessly receive racing results from the set-top box.

73. The system defined in claim 44, wherein the in-home user equipment is a personal computer and the wireless portable computing device is a web tablet configured to wirelessly receive racing results from the personal computer.

74. The system defined in claim 44 further comprising a plurality of the wireless portable computing devices that are configured to allow multiple users to access the interactive wagering application.

75. The system defined in claim 44 further comprising a plurality of wireless portable devices with

which the in-home user equipment communicates wirelessly, wherein the plurality of wireless portable computing devices are configured to allow multiple users to each use a respective one of the portable computing devices to place an independent wager through the in-home user equipment.

76. The system defined in claim 44 further comprising a plurality of wireless portable computing devices, wherein the in-home user equipment is a set-top box that communicates wirelessly with the plurality of wireless portable computing devices and wherein the plurality of wireless portable computing devices are configured to allow multiple users to each place an independent wager through the set-top box.

77. The system defined in claim 44 further comprising a plurality of wireless portable computing devices, wherein the in-home user equipment is a personal computer that communicates wirelessly with the plurality of wireless portable computing devices and wherein the plurality of wireless portable computing devices are configured to allow multiple users to each place an independent wager through the personal computer.

78. The system defined in claim 44 further comprising a plurality of handheld computers with which the

in-home user equipment communicates wirelessly, wherein the plurality of handheld computers are configured to allow multiple users at the plurality of handheld computers to each place an independent wager through the in-home user equipment.

79. The system defined in claim 44 further comprising a plurality of handheld computers, wherein the in-home user equipment is a set-top box that communicates wirelessly with the plurality of handheld computers and wherein the plurality of handheld computers are configured to allow multiple users at the handheld computers to each place an independent wager through the set-top box.

80. The system defined in claim 44 further comprising a plurality of handheld computers, wherein the in-home user equipment is a personal computer that communicates wirelessly with the plurality of handheld computers and wherein the plurality of handheld computers are configured to allow multiple users to each place an independent wager through the personal computer.

81. The system defined in claim 44 further comprising a plurality of web tablets, wherein the in-home user equipment communicates wirelessly with the plurality of web tablets and wherein the plurality of web tablets are

configured to allow multiple users to each place an independent wager through the in-home user equipment.

82. The system defined in claim 44 further comprising a plurality of web tablets, wherein the in-home user equipment is a set-top box that communicates wirelessly with the plurality of web tablets and wherein the plurality of web tablets are configured to allow multiple users to each place an independent wager through the set-top box.

83. The system defined in claim 44 further comprising a plurality of web tablets, wherein the in-home user equipment is a personal computer that communicates wirelessly with the plurality of web tablets and wherein the plurality of web tablets are configured to allow multiple users to each place an independent wager through the personal computer.

84. The system defined in claim 44 further comprising a plurality of electronic books, wherein the in-home user equipment communicates wirelessly with the plurality of electronic books and wherein the electronic books are configured to allow multiple users to each place an independent wager through the in-home user equipment.

85. The system defined in claim 44 further comprising a plurality of electronic books, wherein the in-home user equipment is a set-top box that communicates wirelessly with the plurality of electronic books and wherein the plurality of electronic books are configured to allow multiple users to each place an independent wager through the set-top box.

86. The system defined in claim 44 further comprising a plurality of electronic books, wherein the in-home user equipment is a personal computer that communicates wirelessly with the plurality of electronic books and wherein the plurality of electronic books are configured to allow multiple users to each place an independent wager through the personal computer.

89. A method for wirelessly submitting electronic wagers on races that are to be run to computer equipment using an interactive wagering application that is implemented using wireless user equipment with a display, comprising:

providing a user at the wireless user equipment with on-screen options on the display of the wireless user equipment that allow the user to create a wager for a given race to be run;

allowing the user to transmit the wager from the wireless user equipment to a communications network via communications equipment at a racetrack that communicates wirelessly with the wireless user equipment when it is desired to submit the wager for processing; and

receiving the wager at the computer equipment from the communications equipment at the racetrack over the communications network for processing.

90. An interactive wagering system that provides a user with an opportunity to wirelessly submit electronic wagers on races that are to be run using an interactive wagering application, comprising:

wireless user equipment having a display, wherein the wireless user equipment is configured to provide the user with on-screen options on the display that allow the user to create a wager for a given race to be run;

computer equipment to which the wagers are submitted over a communications network; and

wireless communications equipment at a track with which the wireless user equipment wirelessly communicates, wherein the wireless user equipment and wireless communications equipment are configured to allow the user to transmit the wager from the wireless user

equipment to the communications network via the wireless communications equipment when it is desired to submit the wager for processing and wherein the computer equipment receives the wager over the communications network for processing.

91. A computer readable medium encoded with machine-readable instructions for use in submitting electronic wagers on races that are to be run to computer equipment over a communications network using an interactive wagering application that is implemented using in-home user equipment and at least one wireless portable computing device with a display that is in two-way wireless communications with the in-home user equipment, the machine-readable instructions comprising:

providing a user at the wireless portable computing device with on-screen options on the display of the wireless portable computing device that allow the user to create a wager for a given race to be run, wherein the on-screen options are based at least in part on information received over a wireless communications path between the wireless portable computing device and the in-home user equipment, and wherein the information is based at least in part on racing data received by the in-home user equipment from the communications network; and

allowing the user to wirelessly transmit the wager from the wireless portable computing device to the in-home user equipment over the wireless communications path when it is desired to submit the wager for processing; and

transmitting the wager from the in-home user equipment to the computer equipment over the communications network for processing.

92. The computer readable medium defined in claim 91 wherein the race is a horse race, the method further comprising allowing the user to use the wireless portable computing device to select a horse for the wager.

93. The computer readable medium defined in claim 91 further comprising providing the user with an opportunity to use the wireless portable computing device to select a racetrack for the wager.

94. The computer readable medium defined in claim 91 further comprising providing the user with an opportunity to use the wireless portable computing device to select a race for the wager.

95. The computer readable medium defined in claim 91 further comprising providing the user with an

opportunity to use the wireless portable computing device to select a wager type for the wager.

96. The computer readable medium defined in claim 91 further comprising providing the user with an opportunity to use the wireless portable computing device to select a wager amount for the wager.

97. The computer readable medium defined in claim 91, wherein the computer equipment is part of a transaction processing and subscription management system, the method further comprising processing the wager with the transaction processing and subscription management system once the wager has been placed.

98. The computer readable medium defined in claim 91, wherein the race is a horse race and wherein an account is maintained for the user at a transaction processing and subscription management system, the method further comprising processing the wager once the wager has been placed and crediting the account when the wager is successful.

99. The computer readable medium defined in claim 91, wherein the in-home user equipment includes user television equipment.

100. The computer readable medium defined in claim 91, wherein the in-home user equipment includes a set-top box and wherein transmitting the wager from the in-home user equipment to the computer equipment over the communications network for processing comprises transmitting the wager from the set-top box to the computer equipment over the communications network for processing.

101. The computer readable medium defined in claim 91, wherein the in-home user equipment includes user computer equipment.

102. The computer readable medium defined in claim 91, wherein the in-home user equipment includes a personal computer and wherein transmitting the wager from the in-home user equipment to the computer equipment over the communications network for processing comprises transmitting the wager from the personal computer to the computer equipment over the communications network for processing.

103. The computer readable medium defined in claim 91, wherein the wireless portable computing device is a handheld computer, the method further comprising using the handheld computer to wirelessly receive handicapping information from the in-home user equipment.

104. The computer readable medium defined in claim 91, wherein the wireless portable computing device is a handheld computer and the in-home user equipment is a set-top box, the method further comprising using the handheld computer to wirelessly receive handicapping information from the set-top box.

105. The computer readable medium defined in claim 91, wherein the wireless portable computing device is a handheld computer and the in-home computing device is a personal computer, the method further comprising using the handheld computer to wirelessly receive handicapping information from the personal computer.

106. The computer readable medium defined in claim 91, wherein the wireless portable computing device is a handheld computer, the method further comprising using the handheld computer to wirelessly receive race results from the in-home user equipment.

107. The computer readable medium defined in claim 91, wherein the wireless portable computing device is a handheld computer and the in-home user equipment is a set-top box, the method further comprising using the handheld computer to wirelessly receive race results from the set-top box.

108. The computer readable medium defined in claim 91, wherein the wireless portable computing device is a handheld computer and the in-home computing device is a personal computer, the method further comprising using the handheld computer to wirelessly receive race results from the personal computer.

109. The computer readable medium defined in claim 91, wherein the wireless portable computing device is an electronic book, the method further comprising using the electronic book to wirelessly receive handicapping information from the in-home user equipment.

110. The computer readable medium defined in claim 91, wherein the wireless portable computing device is an electronic book and the in-home user equipment is a set-top box, the method further comprising using the electronic book to wirelessly receive handicapping information from the set-top box.

111. The computer readable medium defined in claim 91, wherein the wireless portable computing device is an electronic book and the in-home computing device is a personal computer, the method further comprising using the electronic book to wirelessly receive handicapping information from the personal computer.

112. The computer readable medium defined in claim 91, wherein the wireless portable computing device is an electronic book, the method further comprising using the electronic book to wirelessly receive racing results from the in-home user equipment.

113. The computer readable medium defined in claim 91, wherein the wireless portable computing device is an electronic book and the in-home user equipment is a set-top box, the method further comprising using the electronic book to wirelessly receive racing results from the set-top box.

114. The computer readable medium defined in claim 91, wherein the wireless portable computing device is an electronic book and the in-home computing device is a personal computer, the method further comprising using the electronic book to wirelessly receive racing results from the personal computer.

115. The computer readable medium defined in claim 91, wherein the wireless portable computing device is a web tablet, the method further comprising using the web tablet to wirelessly receive handicapping information from the in-home user equipment.

116. The computer readable medium defined in claim 91, wherein the wireless portable computing device is a web tablet and the in-home user equipment is a set-top box, the method further comprising using the web tablet to wirelessly receive handicapping information from the set-top box.

117. The computer readable medium defined in claim 91, wherein the wireless portable computing device is a web tablet and the in-home computing device is a personal computer, the method further comprising using the web tablet to wirelessly receive handicapping information from the personal computer.

118. The computer readable medium defined in claim 91, wherein the wireless portable computing device is a web tablet, the method further comprising using the web tablet to wirelessly receive racing results from the in-home user equipment.

119. The computer readable medium defined in claim 91, wherein the wireless portable computing device is a web tablet and the in-home user equipment is a set-top box, the method further comprising using the web tablet to wirelessly receive racing results from the set-top box.

120. The computer readable medium defined in claim 91, wherein the wireless portable computing device is a web tablet and the in-home computing device is a personal computer, the method further comprising using the web tablet to wirelessly receive racing results from the personal computer.

121. The computer readable medium defined in claim 91 further comprising allowing multiple users to access the interactive wagering application using a plurality of the wireless portable computing devices.

122. The computer readable medium defined in claim 91, wherein the in-home user equipment communicates wirelessly with a plurality of wireless portable computing devices, the method comprising allowing multiple users at the plurality of wireless portable computing devices to each use a respective one of the plurality of wireless portable computing devices to place an independent wager through the in-home user equipment.

123. The computer readable medium defined in claim 91, wherein the in-home user equipment is a set-top box that communicates wirelessly with a plurality of wireless portable computing devices, the method comprising allowing multiple users at the plurality of wireless

portable computing devices to each place an independent wager through the set-top box.

124. The computer readable medium defined in claim 91, wherein the in-home user equipment is a personal computer that communicates wirelessly with a plurality of wireless portable computing devices, the method comprising allowing multiple users at the plurality of wireless portable computing devices to each place an independent wager through the personal computer.

125. The computer readable medium defined in claim 91, wherein the in-home user equipment communicates wirelessly with a plurality of handheld computers, the method comprising allowing multiple users at the plurality of handheld computers to each place an independent wager through the in-home user equipment.

126. The computer readable medium defined in claim 91, wherein the in-home user equipment is a set-top box that communicates wirelessly with a plurality of handheld computers, the method comprising allowing multiple users at the handheld computers to each place an independent wager through the set-top box.

127. The computer readable medium defined in claim 91, wherein the in-home user equipment is a personal computer that communicates wirelessly with a plurality of handheld computers, the method comprising allowing multiple users at the plurality of handheld computers to each place an independent wager through the personal computer.

128. The computer readable medium defined in claim 91, wherein the in-home user equipment communicates wirelessly with a plurality of web tablets, the method comprising allowing multiple users at the plurality of web tablets to each place an independent wager through the in-home user equipment.

129. The computer readable medium defined in claim 91, wherein the in-home user equipment is a set-top box that communicates wirelessly with a plurality of web tablets, the method comprising allowing multiple users at the plurality of web tablets to each place an independent wager through the set-top box.

130. The computer readable medium defined in claim 91, wherein the in-home user equipment is a personal computer that communicates wirelessly with a plurality of web tablets, the method comprising allowing multiple users

at the plurality of web tablets to each place an independent wager through the personal computer.

131. The computer readable medium defined in claim 91, wherein the in-home user equipment communicates wirelessly with a plurality of electronic books, the method comprising allowing multiple users at the plurality of electronic books to each place an independent wager through the in-home user equipment.

132. The computer readable medium defined in claim 91, wherein the in-home user equipment is a set-top box that communicates wirelessly with a plurality of electronic books, the method comprising allowing multiple users at the plurality of electronic books to each place an independent wager through the set-top box.

133. The computer readable medium defined in claim 91, wherein the in-home user equipment is a personal computer that communicates wirelessly with a plurality of electronic books, the method comprising allowing multiple users at the plurality of electronic books to each place an independent wager through the personal computer.

135. A computer readable medium encoded with machine-readable instructions for wirelessly submitting

electronic wagers on races that are to be run to computer equipment using an interactive wagering application that is implemented using wireless user equipment with a display, the machine-readable instructions comprising:

providing a user at the wireless user equipment with on-screen options on the display of the wireless user equipment that allow the user to create a wager for a given race to be run;

allowing the user to transmit the wager from the wireless user equipment to a communications network via communications equipment at a racetrack that communicates wirelessly with the wireless user equipment when it is desired to submit the wager for processing; and

receiving the wager at the computer equipment from the communications equipment at the racetrack over the communications network for processing.

136. The computer readable medium defined in claim 135, wherein the computer equipment is located at a transaction processing and subscription management system.

137. The computer readable medium defined in claim 135, wherein the computer equipment is part of a local network at the racetrack.

138. The method defined in claim 89, wherein the computer equipment is located at a transaction processing and subscription management system.

139. The method defined in claim 89, wherein the computer equipment is part of a local network at the racetrack.

140. The system defined in claim 90, wherein the computer equipment is located at a transaction processing and subscription management system.

141. The system defined in claim 90, wherein the computer equipment is part of a local network at the racetrack.

142. A method for submitting electronic wagers on races that are to be run to computer equipment over a communications network using an interactive wagering application that is implemented using a television set-top box and at least one wireless user device with a display that is in wireless communication with the television set-top box, comprising:

providing a user at the wireless user device with on-screen options on the display of the wireless user device that allow the user to create a wager for a given

race to be run, wherein the on-screen options are based at least in part on information transmitted wirelessly from the television set-top box to the wireless user device, and wherein the information is based at least in part on racing data received by the television set-top box from the communications network;

allowing the user to wirelessly transmit the wager from the wireless user device to the television set-top box when it is desired to submit the wager for processing; and

transmitting the wager from the television set-top box to the computer equipment over the communications network for processing.

143. An interactive wagering system that provides a user with an opportunity to submit electronic wagers on races that are to be run to computer equipment over a communications network using an interactive wagering application, comprising:

a television set-top box; and

at least one wireless user device with a display that is in wireless communication with the television set-top box, wherein the television set-top box and the wireless user device are configured to:

provide the user with on-screen options on the display of the wireless user device that allow the user to create a wager for a given race to be run, wherein the on-screen options are based at least in part on information transmitted wirelessly from the television set-top box to the wireless user device, and wherein the information is based at least in part on racing data received by the television set-top box from the communications network;

allow the user to wirelessly transmit the wager from the wireless user device to the television set-top box when it is desired to submit the wager for processing; and

transmit the wager from the television set-top box to the computer equipment over the communications network for processing.

144. A computer readable medium encoded with machine-readable instructions for use in submitting electronic wagers on races that are to be run to computer equipment over a communications network using an interactive wagering application that is implemented using a television set-top box and at least one wireless user device with a display that is in two-way wireless

communication with the television set-top box, the machine-readable instructions comprising:

providing a user at the wireless user device with on-screen options on the display of the wireless user device that allow the user to create a wager for a given race to be run, wherein the on-screen options are based at least in part on information transmitted wirelessly from the television set-top box to the wireless user device, and wherein the information is based at least in part on racing data received by the television set-top box from the communications network;

allowing the user to wirelessly transmit the wager from the wireless user device to the television set-top box when it is desired to submit the wager for processing; and

transmitting the wager from the television set-top box to the computer equipment over the communications network for processing.

EVIDENCE APPENDIX B
COPY OF THE FINAL OFFICE ACTION DATED JULY 8, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,604	08/01/2000	MASOOD GARAH	ODS-23	8445
1473	7590	07/08/2004	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			ENATSKY, AARON L	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/630,604		GARAH ET AL.	
	Examiner		Art Unit	
	Aaron L Enatsky		3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86,89-133 and 135-144 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-86,89-133 and 135-144 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5/14/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of Applicant's amendment on 05/14/04. Claims 1-86, 89-133, and 135-144 remain pending.

Drawings

Examiner acknowledges receipt and acceptance of drawings.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-86, 91-133 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,004,211 to Brenner et al in view of Lappington et al. '413 (Lapp). In regard to claims 1 and 44, Brenner et al. teaches of an interactive off-track wagering (2:35-36) that is run over a computer based system to racing fans in their homes (5:61-64). Wagering is accomplished though network communication from a user terminal to a totalisator (7:35-43), and is communicated wirelessly from the user to the user terminal through any suitable user interface (7:21-34). While Brenner et al. does not specifically teach that the wireless remote control device has a screen with on-screen options, but he does teach that any suitable wireless user interface

Art Unit: 3713

device can be used in conjunction with television sets for display (7:21-34). Lapp teaches of an interactive TV set-top system using a wireless remote handheld that is capable of displaying events for the purpose of switching between multiple interactive concurrent programs (Abstract). It is well known in that art that audio/video remote controllers are wireless multifunctional devices with user interface screens producing user selectable menus. Examples of such are devices specifically made as all-in-one audio/video remotes, or personal digital assistants programmed with an extra function of control audio/video systems. With the remotes such as a personal digital assistant (PDA) it also would have been obvious to one skilled in the art at the time to display informational/wager choices on the PDA to allow the race to be displayed on a separate display continuously. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brenner et al. to use the wireless handheld taught by Lapp for the purposes as taught above in addition to reasons taught by Lapp such as view multiple concurrent events without losing scores. This would also allow one to place multiple concurrent bets on different races, releasing the constraints of betting only on a single game at any one time.

In regards to claims 2-6 and 45-49, Brenner et al. teaches that the race is a horse race (6:3) where a user can select a horse for a wager, a racetrack, a race, a wager type, and a wager amount (2:45-51).

In regards to claims 7-8 and 50-51, Brenner et al. teaches that totalisator is a computer system capable of handling user transactions, user accounts, crediting accounts when the wager is successful, and standard computer network communications (7:35-54).

In regards to claims 9 and 52, Brenner et al. teaches that the in-home equipment includes conventional television sets (7:26).

In regards to claims 10 and 53, Brenner et al. teaches the transmission of racing data via cable, satellite, or other mediums (6:55-61) and wagers transmitted over a network to computer equipment (7:35-54) where both types of information are received and sent to a user terminal. Brenner et al. does not teach that the user terminal is a set-top box, however it is obvious to one skilled in the art that end user terminals for processing cable or satellite data for display on a television set can be set-top boxes.

In regards to claims 11-12 and 54-55, Brenner et al. teaches that the user terminal comprises personal computer equipment (7:55-67), and the computer equipment transmits the wager information to other computer equipment for processing (7:35-54).

In regards to claims 13-30 and 56-73, Brenner et al. teaches handicapping information and race results received by a user terminal (10:9-23). It was established earlier that wireless remote taught by Brenner et al. could comprise of a number of known remote control elements well known in the art such as a PDA therefore it would have been obvious to display handicap information and race results on the wireless remote device sent from the user terminal. In regard to the various claimed wireless remote devices, the handheld computer, electronic book, and web tablet it is well known in that art that these devices are function equivalents and it would have been obvious to one skilled in the art to substitute these devices for one another. It was also established earlier that the user terminal is a computer device (7:21-34) situated in a user's home (5:59-67) that is capable of network communications (7:35-54). It is well known in the art that a computer can function both as a set-top box as well as functions of personal computer making

Art Unit: 3713

the devices functional equivalents. It would have been obvious to one skilled in the art at the time the invention was made to use various equivalent wireless remote devices in communication with a computer device as a user terminal for the purpose of receiving and displaying handicap and race results information to a user where the personal computer communication combinations would be better suited to a more technical/computer savvy demographic while the set-top box combinations to a less technical demographic.

In regards to claims 31-43 and 74-86, Brenner et al. teaches that each user can place a wager (7:35-41) from in home equipment (5:35-64) where the wagering system comprises of a large array of user terminals (7:10-11). This would suggest that users are placing wagers that are independent of one another and establishing individuality to the wagering system through the use of a personal identification code (8:41-50). Brenner et al. does not teach the use of a plurality of wireless devices communicating with the user terminal. However, it has long been considered to be within ordinary skill in the art to duplicate elements and their corresponding functions, especially in network communication where multiplicity of like devices is the norm, therefore, obvious to one skilled in the art at the time the invention was made to have a plurality of handheld devices place independent wagers with a user terminal. In regards to the choice of communication equipment, as established above, it would have been obvious to one skilled in the art to interchange functional equivalents of the handheld devices and the set-top or personal computer in their respective communication hierarchy.

In re claims 91-133, Brenner et al. in view of Lapp teach the claimed limitations as discussed above. In addition, as is well known in the art, communication exists with computer systems interpreting machine-readable instructions.

In re claims 142-144, Brenner et al. in view of Lapp teaches the claims limitations as discussed above, but does not disclose a set-top box as the sole communication interface between a handheld device and wagering servers. However, as is well known in the art, set-top devices can function both to transmit and receive information to/from remote servers. Lappington also teaches that a user can contact operations by using a wireless or wired medium (9:25-27) similar to how data is initially received. In view of Lappington's teaching of commensurate transmit and receive communication mediums, it would not be beyond one of ordinary skill to modify Brenner in view of Lappington so that a single integrated device serves both purposes to reduce system complexity and costs.

Claims 89-90, and 134-141 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,004,211 to Brenner et al. in view of U.S. Patent No. 5,999,808 to LaDue. Brenner et al. teaches the above mentioned horse race wagering system, but does not disclose the use of a wireless application protocol for communication with a computer system. LaDue teaches the use of a wireless application protocol for use in wireless gaming and wagering (Abstract) for the purpose of operating seamlessly with existing wireless networks without need for further modification (2:26-29). LaDue also teaches the use of a handheld computer for communication with the wagering/gaming system with a built in screen capable of displaying users selectable menus (Fig 9). It would have been obvious to one skilled in the art at the time the invention was made to combine the wireless application protocol system for wagering by LaDue with the horse race wagering system as taught by Brenner et al. for the purpose of seamless operation with the existing wireless network infrastructure and so that wagering can take place anywhere legal including the race track or in a user's home.

In re claims 134-136, 138, and 140, Brenner et al. in view of LaDue teach a computer network system for wagering as discussed above. In addition, as is well known in the art, communication exists with computer systems interpreting machine-readable instructions.

In re claims 137, 139, and 141, Brenner et al. in view of LaDue teach a computer network system for wagering as discussed above. While not specifically disclosing computer equipment as part of a local area network, Brenner et al. shows in Fig. 1 shows the wager processing equipment interconnected. Whether the equipment is connected in a local area or a wide area network, lacking criticality, would not serve to distinguish over prior art. The method of interconnection between equipment would not affect system functionality and could be made equivalent assuming adequate bandwidth.

Response to Arguments

Applicant's arguments have been fully considered, but are not considered persuasive. Applicant has essentially reiterated prior arguments submitted 09/19/03. This reiteration indicates that Applicant believes that Examiner has not yet responded to prior arguments. Applicant also made this issue clear in an interview, on 03/15/04. Applicant's main contention with Examiner's rejection is that it does not provide motivation to combine Brenner in view of Lappington, which then cascades down to any other rejections dependent on this combination. Applicant's arguments are broken down into specific sections, however, the arguments revolve around the belief that Examiner's motivation is not *sufficient* to combine Brenner in view of Lappington. Examiner's prior treatment of the individual arguments is believed to suffice for the Applicant's reiteration.

For additional consideration, Examiner believes that the rejection provides clear motivation that is taught by Lappington. Applicant attacks the motivation by arguing that Examiner's motivation lack sufficiency, not that the combination is somehow deficient or teaches away from the either reference. The arguments of record are more akin to Applicant disagreeing with the motivation, or that Applicant has a different motivation, which somehow causes Examiner's provided motivation to be invalid. Examiner's burden is to show that which is known to one of ordinary skill in the art at the time of the invention, not motivation that Applicant has to necessarily agree with. Examiner believes that requirements for a 103 rejection has been satisfied, which is to show what one of ordinary skill in the art at the time the invention was made would have known, thus is unconvinced by Applicant's arguments.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,799,683 to Bruner, Jr. teaches a remote control system that interacts with a television game. The remote control system provides a screen to a player to play and wager in a game.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3713

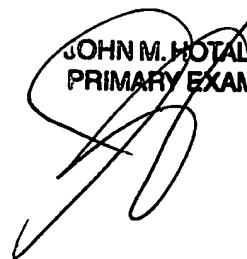
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8-6 M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky
7/6/04


JOHN M. HOTELLING, II
PRIMARY EXAMINER

EVIDENCE APPENDIX C
COPY OF BRENNER ET AL. U.S. PATENT NO. 6,004,211

EVIDENCE APPENDIX D
COPY OF LAPPINGTON ET AL. U.S. PATENT NO. 5,734,413

EVIDENCE APPENDIX E
COPY OF LADUE U.S. PATENT NO. 5,999,808